**VARIANCE GUIDE AND APPLICATION**

***APPLICATION CHECKLIST:***

1. Completed **application form**.

2. **Only the owners of the property in question may request the variance**. If someone, other than the owner, will be handling the variance application we will also need a letter, from the owner of said property, giving them authority to do so.

3. A **map** of the subject property**.** The map should show dimensioned property lines, the location of buildings, neighboring land uses, and adjacent property owners.

4. **Application fee: $100.00 + $100.00 for cost of publication**. The application shall not be accepted unless the fee is paid in full at the time of application

5. A legible typed legal description of property to be considered for variance.

***PROCEDURE:***

1. The Application should be filed at City Hall. A completed application must be provided for the variance to be considered. See the application checklist above for a list of needed items to complete an application. No application will be accepted without payment-in-full of the variance application fee.

2. City staff will review the application and set a date for a public hearing within 30 days of review. The public hearing is conducted to allow neighboring property owners to comment on the proposed variance.

3. Notice of the public hearing must be posted in the newspaper at least one time not less than 7 days in advance of the public hearing. The applicant is responsible for covering the cost of the publication.

4. Within 30 days of the public hearing the Board of Adjustment (typically immediately following the public hearing) will make a finding to approve or deny the variance application. The finding will be based upon the following facts of the case. To approve the application the board must find the following:

* Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, the strict letter of this Zoning Code would result in an undue hardship to the owner, as distinguished from a mere inconvenience.
* The conditions causing the need for a Variance are unique to the property and are not applicable, generally, to other property within the same zoning classification.
* The literal interpretation of the provisions of the Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Code.
* The alleged difficulty or hardship is caused by the Zoning Code and has not been created by the applicant or a previous owner of the property.
* The granting of the Variance will not harm the public welfare, other property, or improvements in the neighborhood in which the property is located.
* The proposed Variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood;

* The proposed Variance complies with the spirit and intent of the Zoning Code.

5. If denied by the Board of Adjustment, no application for a variance shall be resubmitted within a period of 1 year from date of said denial.

6. A variance granted shall lapse and become void if no building or construction has begun on the property in question after 6 months. If building or construction has begun, the variance shall lapse and become void if a building permit tied to the variance is not issued within 6 months or completed within 2 years.

 **VARIANCE**

 **APPLICATION**

Property Owner

Name/Signature:

Spouse

Name/Signature:

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Property Address:

Reason for Variance:

Legal Description:

Zoning: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

The undersigned property owner designates the following agent or attorney to represent the applicant at all hearings:

Name Address City State Phone No.

Property Owner Signature Spouse Signature

Property Owner Mailing Address City State Zip

Phone: \_